



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

APR 11 1988

CERTIFIED MAIL--
RETURN RECEIPT REQUESTED

CONGOLEUM CORPORATION
861 SLOAN ROAD
TRENTON NJ 08619

ATTN: PRESIDENT/GENERAL COUNSEL

Re: Request for Information Under 42 U.S.C. §9601 et seq.,
and 42 U.S.C. §6901 et seq., Lone Pine Landfill Site,
Freehold Township, New Jersey.

Dear Sir or Madam:

The United States Environmental Protection Agency ("EPA") is authorized to respond to the release or threatened release of hazardous substances into the environment and to enforce the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. §9601 et seq. In addition, EPA regulates the handling of hazardous waste under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6901 et seq.

Pursuant to Sections 104(b) and 104(e) of CERCLA, and Section 3007(a) of RCRA, EPA may request information from parties who handle or have handled hazardous substances and hazardous waste, as those terms are defined in Section 101(14) of CERCLA, and Section 1004 of RCRA, respectively. Section 104(b) of CERCLA permits EPA to conduct such legal and other investigations as it may deem necessary or appropriate to plan and direct response actions, to recover the costs thereof, and to enforce the provisions of CERCLA. Section 104(e)(2)(A) of CERCLA enables EPA to require any person, as defined in Section 101(21) of CERCLA, to furnish information or documents relating to "[t]he identification, nature, and quantity of materials which have been or are generated, treated, stored or disposed of at a vessel or facility or transported to a vessel or facility."

EPA has documented the release of hazardous substances at the Lone Pine Landfill site. Moreover, EPA has information that you utilized the Lone Pine Landfill. To ascertain the nature of the materials you generated, treated, transported and/or disposed of, EPA requests that you answer fully the questions in the attached "Request for Information."

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This "Request for Information" is part of a continuing investigation into the nature of the waste materials disposed of at the Lone Pine Landfill. If you responded to a request for information from EPA in the past, a copy of your response is attached. EPA has reviewed all of the earlier responses and is now seeking additional information. To expedite the information gathering process, EPA requests that you respond in detail to all questions in the following Attachment and that you furnish the supporting documents.

If you have an EPA Identification Number, kindly state it in your response.

The response to this "Request for Information" should be postmarked or received at EPA within thirty (30) calendar days of your receipt of this letter, and should be mailed to Janet Feldstein, Site Compliance Branch, U.S. Environmental Protection Agency, Region II, Room 747, 26 Federal Plaza, New York, N.Y. 10278, with a copy to Beverly Kolenberg, Assistant Regional Counsel, Room 437 at the same address.

Failure to respond to the "Request for Information" within the time specified above may subject you to an enforcement action under Section 3008 of RCRA and Section 104(e)(5) of CERCLA. An enforcement action may include the assessment of penalties of up to \$25,000.00 for each day of continued noncompliance. The notarized signature of an officer or other responsible official of the responding party must appear on the enclosed "Certification of Answers to Request for Information," which should be attached to the response to this information request.

If at any time in the future, you have additional information and/or find that any aspect of the submitted information is false, misleading, or misrepresents the truth, you must notify the EPA. Failure to amend the response may be construed as a concealment. If any part of the response is found to be knowingly untrue, the signatory and the responding entity may be subject to criminal prosecution.

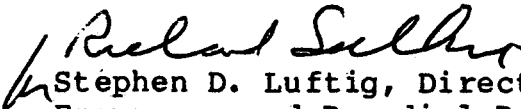
The "Request for Information" is not subject to the approval requirements of the Paperwork Reduction Act of 1980, the relevant portion of which is found at 44 U.S.C. §3501.

If desired, a business confidentiality claim covering all or part of the information requested may be asserted. The claim must be supported by each of the four factors specified in Section 104(e)(7)(E) of CERCLA, as amended, and may be asserted at the time of submission, by placing on (or attaching to) the information, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential."

Information covered by such a claim will be disclosed by EPA only to the extent and by means of procedures set forth in Title 40, Code of Federal Regulations, Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice.

If you have any questions about this letter, you may call Janet Feldstein at (212) 264-0613 or Beverly Kolenberg, Esq. at (212) 264-4471. Your cooperation is appreciated.

Sincerely yours,


Stephen D. Luftig, Director
Emergency and Remedial Response Division

Attachments

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A separate response should be given for each question.
2. Precede each answer with the number of the question to which it is addressed.
3. In answering each question, identify all contributing sources of information.
4. Interpret "and" as well as "or" to include within the scope of the question as much information as possible. If two interpretations of a question are possible, use the one that provides more information.
5. If you are unable to give a detailed and complete answer or to provide any of the information or documents requested, indicate the reason for your inability to do so.
6. If you have reason to believe that an individual other than one employed by your Company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number and the reasons for your belief.
7. In answering these questions, every source of information to which you have access should be consulted, regardless of whether the source is in your immediate possession or control. All documents or other information, including records of all types of manufacturing, treatment, transportation or disposal operations, in your possession or in the possession of your parent corporation, affiliates, subsidiaries, divisions, agents and consultants should be consulted. If you do not have access to certain information and/or documents, state the nature of this information and/or documents, and indicate in whose possession they can be found.
8. For each of the following questions kindly send copies of all documents that relate to the question. For your information "documents" shall include, but not be limited to, the following: papers, books, records, letters, photographs, correspondence, communications, telegrams, cables, Telex messages, memoranda, laboratory work papers, batch sheets, other work papers, ledger sheets, transcripts,

minutes, reports, and recordings of telephone or other conversations, or of interviews, or of conferences, or of other meetings, affidavits, statements, summaries, opinions, reports, studies, drafts, analyses, bulletins, notices, announcements, advertisements, instructions, charts, manuals, brochures, publications, schedules, journals, statistical records, diaries, lists, logs, well logs, field logs, tabulations, sound recordings, computer printouts, gas chromatograms, mass spectra, data processing in-put and out-put, microfilm and microfiche, books of account, records, invoices, checks, notes, diagrams, maps, graphs, or materials with handwriting or other printing on them and other tangible material.

9. If a document is requested but not available, state the reason for its unavailability. To the best of your ability identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
10. For each document produced in response to the "Request for Information," indicate on the document, or in some other reasonable manner, the question to which it applies.
11. If anything is omitted from a document produced in response to the "Request for Information," state the reason for and the subject matter of the omission.
12. As used herein, the terms "hazardous substance," "release," "facility" and "person" shall have the meanings set forth in Section 101(14), (22), (9) and (21) of CERCLA, 42 U.S.C. §§9601(14), (22), (9), and (21), respectively.
13. As used herein, the term "hazardous waste" shall have the meaning set forth in Section 1004(5) of RCRA, 42 U.S.C. §6903(5).
14. The terms "CERCLA waste material" or "industrial waste material" shall mean any solid, liquid or sludge or any mixtures thereof which possess any of the following characteristics:
 - a. it contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. §9601(14);
 - b. it is a "hazardous waste" as defined in 42 U.S.C. § 6904;

- c. it has a pH less than 2.0 or greater than 12.5;
- d. it reacts violently when mixed with water;
- e. it generates toxic gases when mixed with water;
- f. it ignites or explodes;
- g. it is an industrial intermediate waste product;
- h. it is an industrial treatment plant sludge or supernatant;
- i. it is an industrial byproduct having some market value;
- j. it is coolant water or blowdown waste from a coolant system;
- k. it is a spent product which could be reused after rehabilitation; or
- l. it is any material which you have reason to believe would be toxic if either ingested, inhaled or placed in contact with your skin.

REQUEST FOR INFORMATION

1. a. State the legal name of the entity ("Entity") responding to this "Request for Information." For your information, an Entity includes any person as defined in Section 101(21) of CERCLA ("Person"):

The term "person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.

- b. If you are a commercial entity:

- 1) Identify by name, address, nature of business operation, dates of operation, every company including, but not limited to parent, subsidiary, affiliate, division or any business unit ("Company" or "Companies") which is now or was during the period 1959 through 1979 related to your Company and was located in New Jersey and/or disposed of waste there. If any such Companies did business under more than one name, each name should be stated with the response to this question.
- 2) Identify the state of incorporation and the agents for service of process in the state of incorporation and in New Jersey for every Company identified above.
- 3) State the name(s) and address(es) of the President and the Chairman of the Board, or other presiding officers, and the individual(s) responsible for environmental programs and compliance in the Companies identified above.

- c. If you are a Person, other than a commercial entity, state all the locations with addresses from which you or your agents transported and/or disposed of any waste materials during the period 1959 through 1979.

2. State the nature of the operations and processes which were conducted at each Company or by any Person disposing of waste, listed in response to question 1 above, for each year from 1959 through 1979.

3. Respond to the following question by checking the YES or NO column as applicable.

During the period 1959 through 1979, has your Company or any Person listed above or any past or present employees or agents transported, arranged for transportation, disposed of or arranged for disposal of:

	<u>YES</u>	<u>NO</u>
a. Household waste *	_____	_____
b. Commercial refuse**	_____	_____
c. Industrial waste	_____	_____
d. Petroleum or petroleum products	_____	_____
e. Food processing waste	_____	_____
f. Vegetative/agricultural waste	_____	_____
g. Chemical waste of any type	_____	_____
h. Hazardous waste of any type	_____	_____
i. Hazardous waste containers (e.g. drums)	_____	_____
j. Pesticides	_____	_____
k. Construction and demolition waste	_____	_____
k. Asbestos	_____	_____
l. Sewerage sludge	_____	_____
m. Industrial sludges	_____	_____
n. Chemical solvents	_____	_____
o. Septic tank clean-out wastes	_____	_____
p. "CERCLA WASTE MATERIAL"; i.e. any solid, liquid or sludge or any mixtures thereof <u>which possess any of the characteristics defined in #14 of the Instructions</u>	_____	_____

* Household waste includes any waste material that was generated at and/or transported from single and multiple residences.

** Commercial refuse includes any waste material that was generated at and/or transported from a business which was not involved in manufacturing operations.

4. If you answered YES to any item in question 3 above:
 - a. Identify by name, composition, source of origin, and dates of disposal each material disposed of, or which you have reason to believe was disposed of or may have been disposed of at the Lone Pine Landfill. For each, state whether your Company, or any Person generated, handled and/or transported such waste.
 - b. State the total amount of materials which your Company or any Person generated, handled and/or transported which was ultimately disposed of, or may have been disposed of, at the Lone Pine Landfill, during the years 1959 through 1979. Totals should be provided on an annual basis for the twenty year period. For liquids, the answer should be in terms of volume, for solid materials, in terms of weight.
 - c. Explain how the material was containerized for disposal, e.g. drums, bulk solids, tank trucks, bulk liquids (uncontainerized), etc.
 - d. If your Company or any Person generated the material, identify by name, address, specific dates of service and total billings for each year of service, the haulers that transported, or may have transported, the aforesaid waste to the Lone Pine Landfill during the period 1959 through 1979.
 - e. If your Company or any Person transported the material, identify by name, address, specific dates of service and total billings for each year of service, the generators of the material you transported, or may have transported to the Lone Pine Landfill during the period 1959 through 1979.
5. What were the total amounts and the chemical constituents of all wastes, waste waters and other by-products of the operations of all the Entities, listed in your response to question 1 above, which were generated on an annual basis for the years 1959 through 1979.
6. Prior to disposal off-site during the period 1959 through 1979, were wastes at any Entity listed in response to question 1 above, stored in surface impoundments, lagoons, tanks, waste piles, pits, or in any other containment system. If so, state the method(s) of storage, the years of storage, the nature and quantity of the material stored and the final disposal site of such waste.

7. a. For each Entity, listed in response to question 1 above, state whether there was any treatment system, the type of system, the years in operation, the volume and nature of the material treated and the volume and chemical constituents of the sludge, waste water and other by-products produced on an annual basis for the years 1959 through 1979.
- b. What amount and percentage of the total waste listed in response to this question was disposed of at the Lone Pine Landfill each year during the period 1959 through 1979.
- c. Were analyses performed on the sludge, waste waters and/or other by-products. If so, state the results.
8. Identify by name, job title and description, address, and years of service, all individuals having knowledge of the generation, treatment, storage and disposal of waste material by any Person listed above for the period 1959 through 1979.
9. Identify by name, address, policy number, effective dates, and years of coverage, all insurance carriers which issued liability insurance coverage for any Entity listed above which may indemnify the Entity for liability under CERCLA for the release and threatened release at or from the Lone Pine site.
10. State the name, title, address, telephone number of the person or persons answering each question in this "Request for Information," and state whether such person or persons has personal knowledge of the answers. State the questions each person answered.
11. State the name, title, address, telephone number of the person or persons consulted in answering each question in this "Request for Information." State the questions about which each person was consulted.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this

day of _____, 1988

Notary Public

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

CONGOLEUM CORPORATION
861 SLOAN ROAD
TRENTON NJ 08619
ATTN: PRESIDENT/GENERAL COUNSEL

4. Article Number

051 6074 214

Type of Service:

- ☐ Registered
☒ Certified
☐ Express Mail

☐ Insured
☐ COD

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature — Addressee

X *P. Snyder*

6. Signature — Agent

X

7. Date of Delivery

4/14/88

8. Addressee's Address (ONLY if requested and fee paid)

SAME

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

U.S. Environmental Protection Agency

26 Federal Plaza

New York, New York 10278

J. Feldstein 737